

#4

Attorney Docket No. 79476

4 June 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: C. RAY DUTTON ET AL      Group Art Unit: 2836  
 Serial No. 09/780,367  
 Filed: 13 February 2001  
 For: COUNTERMEASURE THREAT EMULATOR AND METHOD

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JAN 23 2004

PETITION PURSUANT TO 37 CFR 1.137(a)

To the Assistant Commissioner of Patents

Sir:

In response to the Notice of Abandonment mailed 14 April 2003 in the above-identified patent application, Applicant respectfully petitions the Assistant Commissioner of Patents for withdrawal of the holding of abandonment. The Examiner stated that the Notice of Abandonment was based on failure to timely or properly reply to the Notice to File Missing Parts. Applicants respectfully suggest that the correspondence submitted by the Examiner on 19 March 2001 was a Notice to File Corrected Application Papers. Accordingly, the basis for the Examiner's action should have been an Abandonment for Failure to Reply Within Time Period under 37 CFR 1.135(a).

Applicants respectfully suggest that this delay was unavoidable because Applicants responded on 16 April 2001 within the two month time period set forth in the Notice to File Corrected Application Papers of 19 March 2001. Applicants timely response is evidenced by the Certificate of Mailing on the first page of the attached response.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on 5 June 2003  
 (DATE OF DEPOSIT)

James M. Kowalski  
 APPLICANT'S ATTORNEY

5 June 2003  
 DATE OF SIGNATURE

Applicants authorize the USPTO to charge the petition fee to Deposit Account No. 14-0590.

A copy of the response dated 16 April 2001 is enclosed.

In view of the foregoing remarks, it is respectfully requested that the USPTO withdraw the holding of abandonment.

Respectfully submitted,

C. RAY DUTTON ET AL

4 June 2003

By James M. Kasischke  
JAMES M. KASISCHKE  
Attorney of Record  
Reg. No. 36562

Encl:

Copy of response under Preliminary Amendment



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/780,367	02/13/2001	C. Ray Dutton	79476

Office Of Counsel  
Naval Undersea Warfare Center  
Division, Newport  
1176 Howell Street, Bldg 112T  
Newport, RI 02841-1708

**CONFIRMATION NO. 7949**  
**ABANDONMENT/TERMINATION**  
**LETTER**



\*OC000000009830659\*

Date Mailed: 04/14/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/19/2001.

- No reply was received.

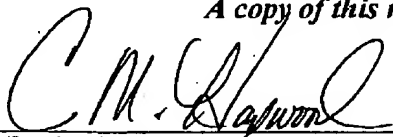
A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



DEPARTMENT OF THE NAVY-  
OFFICE OF COUNSEL  
NAVAL UNDERSEA WARFARE CENTER DIVISION  
1176 HOWELL STREET  
NEWPORT RI 02841-1708

IN REPLY REFER TO:

JMK:amc  
Ser 3000C/P228  
Attorney Docket No. 79476  
5 June 2003

Assistant Commissioner of Patents  
Washington, DC 20231

Applicant: C. RAY DUTTON ET AL  
Serial No. 09/780,367  
Filed: 13 February 2001  
For: COUNTERMEASURE THREAT EMULATOR AND  
METHOD

Sir:

Transmitted herewith is a Petition to revive unavoidably abandoned application under 37 CFR 1.137(a) in the above-identified application.

The Commissioner is hereby authorized to charge \$110.00 under 37 CFR 1.17(1) to Deposit Account No. 14-0590.

Kindly charge any additional fees to Deposit Account No. 14-0590.

Respectfully submitted,

*James M. Kasischke*  
JAMES M. KASISCHKE  
Attorney of Record  
Reg. No. 36562

Encl:  
Petition



**DEPARTMENT OF THE NAVY**  
**NAVAL UNDERSEA WARFARE CENTER**  
**DIVISION NEWPORT**  
**OFFICE OF COUNSEL**  
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**FACSIMILE TRANSMISSION COVER SHEET**

<b>To:</b>	Petition Brach	<b>From:</b>	James M. Kasischke
<b>Fax:</b>	703-872-9306	<b>Pages:</b>	9 including cover sheet
<b>Phone:</b>		<b>Date:</b>	1/23/2004
<b>Re:</b>	Copy of Petition dated 6/5/03	<b>Attorney Docket No.</b>	79476

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

• **Comments:**

Per my conversation with Kim in the Petition Branch, she suggested that I fax a copy of the Petition to revive an Abandonment.